

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

BKY No.: 22-60407
Chapter 11

MEnD Correctional Care, PLLC,

Debtor.

Notice of Hearing and Interim Application for Allowance
of Compensation and Reimbursement of Expenses
of Attorney for Debtor-In-Possession

Steven B. Nosek, P.A. submits this interim application for allowance of compensation and reimbursement of expenses (“Application”) for services rendered as counsel for MEnD Correctional Care, PLLC, as Debtor-In-Possession (“Debtor”) and moves the Court for the relief requested below.

1. The Court will hold a hearing on this Application at 1:00 p.m. on Tuesday, January 31, 2023, before the **Honorable Michael E. Ridgway**, 204 Edward J. Devitt United States Courthouse and Federal Building, **118 South Mill Street, Fergus Falls, MN 56537**, or as soon thereafter as counsel can be heard.

2. Any response or objection on to this Application shall be filed and delivered no later than Thursday, January 26, which is five (5) days before the time set for the hearing on this Application (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OR OBJECTION OPPOSING THE APPLICATION IS TIMELY FILED, THE COURT MAY GRANT THE APPLICATION WITHOUT A HEARING.**

3. This court has jurisdiction over this Application pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005, and Local Rule 2016-1. This is a core proceeding. This case is now pending in this Court, having been filed under Chapter 11 on November 30, 2022.

4. This is an Application pursuant to 11 U.S.C. §§328 and 330. This Application is filed under Fed. R. Bankr. P. 2106 and Local Rule 2106-1, for allowance of compensation for

legal services rendered by Steven B. Nosek (“Applicant”) during the period extending from December 1, 2022 to December 31, 2022, including expenses.

5. Applicant applied for an order approving employment on November 30, 2022 (Doc. 5). Applicant’s employment was approved by an Order of this Court on December 27, 2022 (Doc. 26), a copy of which is attached to this Application as **Exhibit A**.

6. On August 9, 2022 the Debtor paid a partial retainer for this bankruptcy matter in the amount of \$5,000.00, which was deposited in Applicant’s Trust Account and, on November 28, 2022 the Debtor paid the balance of the retainer for this bankruptcy matter in the amount of \$5,000.00, which was deposited in Applicant’s Trust Account. A portion of this retainer was applied to prepetition fees and costs, without court authorization to Applicant as follows: \$1,738.00 for the chapter 11 filing fee and \$111.25 for the UCC search for a total of pre-filing costs of \$1,849.25 and \$5,190.00 for pre-filing attorney fees from August 2022 thru November 30, 2022, leaving a balance of \$2,960.75, of which remains in Applicant’s trust account.

7. No plan has been confirmed in this case.

8. There have been no previous awards or applications for attorney’s fees filed. This is the first Application filed in this case.

9. To the best of Applicant’s knowledge, there are unpaid administrative expenses as of the date of this Application, exclusive of professional fees yet to be approved by the court, ordinary course expenses and, fees approved but not yet paid.

10. From December 1, 2022 to December 31, 2022, Applicant rendered legal services to the Debtor relating to this bankruptcy case, all of which have been reasonable and necessary and benefit to the estate. Such services include the following:

DESCRIPTION	HOURS	BILLED
General Representation – Chapter 11	41.00	\$12,300.00
Expenses/Costs	Postage	\$144.78
TOTAL:	28.50	\$12,444.78

11. As a result of the work by Applicant, the Debtor has, among other things, (a) filed with the court all required documents for “first day motion”, including those for wages and for employing the Debtor’s counsel and obtaining approval of the same; (b) prepared an objection to the appointment of a health care ombudsman pleading; (c) attended the “first day motion” hearing; (d) prepared and filed all required financial reports, including coordinating the preparation and filing of the balance of the debtor’s schedules; (e) attended the IDI meeting with debtor; (f) received and reviewed several documents through the time period of this Application; (g) several telephone conferences with the client and attorneys involved in this case; (h) attended telephonic hearings; and (i) prepared, filed and served an application to employ Integrated Consultants/Craig Siiro for the Debtor.

12. Based on the billing detail prepared by Applicant contemporaneously with the performance of services from December 1, 2022 to December 31, 2022, Applicant has expended 41.00 hours of legal time, for total fees in the amount of \$12,300.00 and expenses in the sum of \$144.78. Attached to this Application as **Exhibit B** is the invoice itemizing Applicant’s time and expenses for all services rendered from December 1, 2022 through December 31, 2022.

13. The following is a chart of hourly rates charged for each person whose time is included in this Application.

Applicant	Billing	Hours	Billed
Steven B. Nosek	\$300.00	41.00	\$12,300.00

14. All services for which compensation is requested by Applicant were performed for and on behalf of the Debtor.

15. The amount requested herein constituted reasonable compensation for actual necessary services and costs rendered by Applicant, based on the nature, the extent, and the value of such services, the time spent on such services and the cost of comparable services.

16. Applicant has not entered into any agreement, express or implied, with any other party in interest, including any creditor, receiver, trustee or any representative of any of them, or with any attorneys for such party in interest in the proceedings, for the purpose of fixing fees or other compensation to be paid to such party in interest in the proceeding for services rendered or expenses incurred in connection therewith from the assets of the estate in excess of the compensation allowed by law. In addition, Applicant states that the fees ultimately allowed by this court will not be shared with anyone except that the fees will become part of the general funds of Steven B. Nosek, P.A.

WHEREFORE, Applicant respectfully requests interim allowance of compensation to Steven B. Nosek in the total amount of \$12,444.78 for fees and expenses from December 1, 2022 through December 31, 2022, and that debtor be allowed to apply the same from the pre-petition retainer balance in the amount of \$2,960.75, and for an order allowing the Debtor to pay its counsel the difference of \$9,484.03, as an administrative expense.

STEVEN B. NOSEK, P.A.

Dated: January 4, 2023.

By: /e/ Steven B. Nosek
Steven B. Nosek (No. 79960)
2812 Anthony Lane South
Suite 201
St. Anthony, MN 55418
Telephone: (612) 335-9171
snosek@noseklawfirm.com
Attorney for Debtor

VERIFICATION

I, Steven B. Nosek, Trustee, named in the foregoing document, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: January 4, 2023.

/s/ Steven B. Nosek

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

BKY No.: 22-60407

Chapter 11 Case

MEnD Correctional Care, PLLC,

Debtor.

ORDER APPROVING EMPLOYMENT OF ATTORNEY FOR DEBTOR

This case is before the Court on the Application for an Order Authorizing Employment of Attorney for Debtor (Doc. 5) filed on November 30, 2022, which is authorizing the employment of Steven B. Nosek, of Steven B. Nosek, P.A., as Debtor's chapter 11 counsel. It appears that the attorney selected by the Debtor does not hold or represent any interest adverse to the estate and that he is disinterested within the meaning of 11 U.S.C. §327(a).

IT IS ORDERED:

1. The employment of Steven B. Nosek, of Steven B. Nosek, P.A., as Chapter 11 counsel, to represent the debtor-in-possession in carrying out its duties under Title 11 of the United States Bankruptcy Code is approved.

2. Fee applications by Steven B. Nosek, Attorney, may be heard on 30-day intervals from commencement of the case.

Dated: *December 27, 2022*

/s/ Michael E. Ridgway

Michael J. Ridgway
United States Bankruptcy Judge

Steven B. Nosek, P.A.

2812 Anthony Lane South

Suite 200

St. Anthony, MN 55418

(612) 335-9171

Invoice submitted to:

MEnd Correctional Care, PLLC
 Todd Leonard, MD, CCHP-P
 1908 Kruchten Court South
 Sartell, MN 56377

December 31, 2022

In Reference To: General Rep

6089.01

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
12/1/2022	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Telephone conference with Craig Siiro.	0.20 300.00/hr	60.00
	SBN Prepare Objection to Appointment of Health Care Ombudsman pleading.	1.50 300.00/hr	450.00
	SBN Prepare Wage Motion.	1.50 300.00/hr	450.00
12/2/2022	SBN Telephone conference with Nico Radkowski.	0.20 300.00/hr	60.00
	SBN Telephone conference with client.	0.40 300.00/hr	120.00
	SBN Email to US Trustee.	0.20 300.00/hr	60.00
	SBN Continued preparation of wage motion, revisions to wage motion. File and serve wage motion.	2.00 300.00/hr	600.00
12/5/2022	SBN Review material received.	1.00 300.00/hr	300.00
	SBN Telephone conference with James Brand.	0.20 300.00/hr	60.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00

		<u>Hrs/Rate</u>	<u>Amount</u>
12/5/2022	SBN Emails to client, Novak and Franckowiak.	0.40 300.00/hr	120.00
	SBN Conference with US Trustee.	0.50 300.00/hr	150.00
12/6/2022	SBN Review material received.	1.00 300.00/hr	300.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Telephone conference with US Trustee.	0.20 300.00/hr	60.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Prepare, revise, file and serve Motion Objecting to Appointment of Ombudsman.	1.40 300.00/hr	420.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Emails to client.	0.40 300.00/hr	120.00
12/7/2022	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Telephone conference with Novak.	0.20 300.00/hr	60.00
	SBN Telephone conference with Craig Siiro.	0.20 300.00/hr	60.00
	SBN Telephonic motion hearing.	0.40 300.00/hr	120.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Telephone conference with Leyderman.	0.20 300.00/hr	60.00
12/8/2022	SBN Review material received.	1.00 300.00/hr	300.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00

		<u>Hrs/Rate</u>	<u>Amount</u>
12/9/2022	SBN Telephone conference with client.	0.60 300.00/hr	180.00
	SBN Review material received.	1.00 300.00/hr	300.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Telephone conference with AFCO.	0.20 300.00/hr	60.00
12/12/2022	SBN Review material received.	0.80 300.00/hr	240.00
	SBN Prepare Schedules & Statements.	1.80 300.00/hr	540.00
	SBN Telephone conference with Kaminski.	0.20 300.00/hr	60.00
	SBN Emails to Novak and Otjen.	0.40 300.00/hr	120.00
12/13/2022	SBN Telephone conference with US Trustee.	0.20 300.00/hr	60.00
	SBN Review material received.	0.60 300.00/hr	180.00
	SBN Telephone conference with client.	0.40 300.00/hr	120.00
	SBN Telephone conference with Story County Attorney Anderson.	0.20 300.00/hr	60.00
	SBN Review and prepare for submission of Debtor Report.	0.50 300.00/hr	150.00
	SBN Review and revise Schedules and Statement of Financial Affairs.	1.50 300.00/hr	450.00
	SBN Review material received.	0.50 300.00/hr	150.00
12/14/2022	SBN Review material received.	1.00 300.00/hr	300.00
	SBN Telephone conference with client.	0.40 300.00/hr	120.00

		<u>Hrs/Rate</u>	<u>Amount</u>
12/14/2022	SBN Emails to client.	0.40 300.00/hr	120.00
12/15/2022	SBN Review material received.	1.00 300.00/hr	300.00
	SBN Emails to client.	0.40 300.00/hr	120.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00
12/16/2022	SBN Review material received.	0.40 300.00/hr	120.00
	SBN Telephone conference with James Brand.	0.20 300.00/hr	60.00
	SBN Review material received.	1.00 300.00/hr	300.00
12/19/2022	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Telephone conference with Greer.	0.20 300.00/hr	60.00
	SBN Telephone conference with US Trustee.	0.20 300.00/hr	60.00
	SBN Review material received.	1.00 300.00/hr	300.00
	SBN Telephone conference with Houle.	0.20 300.00/hr	60.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Telephone conference with Story County Sheriff.	0.20 300.00/hr	60.00
12/20/2022	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Participate in the IDI Meeting.	0.40 300.00/hr	120.00

		<u>Hrs/Rate</u>	<u>Amount</u>
12/20/2022	SBN Emails to client.	0.80 300.00/hr	240.00
	SBN Telephone conference with Houle.	0.20 300.00/hr	60.00
	SBN Telephone conference with client.	0.40 300.00/hr	120.00
12/21/2022	SBN Review material received.	0.50 300.00/hr	150.00
	SBN Telephone conference with Craig Siiro.	0.20 300.00/hr	60.00
	SBN Telephone conference with client.	0.40 300.00/hr	120.00
12/22/2022	SBN Review material received.	0.80 300.00/hr	240.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Telephone conference with Houle.	0.20 300.00/hr	60.00
12/23/2022	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Telephone conference with James Brand.	0.20 300.00/hr	60.00
	SBN Telephone conference with Houle.	0.20 300.00/hr	60.00
	SBN Telephone conference with client.	0.20 300.00/hr	60.00
	SBN Review material received.	0.40 300.00/hr	120.00
12/27/2022	SBN Review material received.	1.00 300.00/hr	300.00
	SBN Telephone conference with Racine County attorney.	0.20 300.00/hr	60.00
	SBN Telephone conference with client.	0.30 300.00/hr	90.00

	<u>Hrs/Rate</u>	<u>Amount</u>
12/27/2022 SBN Prepare Application, Affidavit and Order re Craig Siiro.	1.00 300.00/hr	300.00
SBN Emails to client.	0.60 300.00/hr	180.00
SBN Email to Anthony Novak.	0.20 300.00/hr	60.00
12/29/2022 SBN Review material received; Email to client.	0.80 300.00/hr	240.00
SBN Telephone conference with client.	0.20 300.00/hr	60.00
For professional services rendered	41.00	\$12,300.00
Additional Charges :		
12/2/2022 Postage.		70.11
12/6/2022 Postage.		74.67
Total additional charges		\$144.78
Total amount of this bill		\$12,444.78
Balance due		\$12,444.78

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 22-60407

Chapter 11

MEnD Correctional Care, PLLC,
Debtor.

**ORDER FOR ALLOWANCE OF INTERIM COMPENSATION AND
REIMBURSEMENT OF EXPENSES TO COUNSEL FOR DEBTOR-IN-POSSESSION**

This matter came before the Court on the Interim Application of Steven B. Nosek for fees and expenses pursuant to §328 and §330 from December 1, 2022 to December 31, 2022 filed on January 4, 2023 (Doc. ____). Based on the application and the record,

IT IS ORDERED:

1. Steven B. Nosek's request for approval of his interim fees and costs for the period of December 1, 2022 through December 31, 2022 in the total amount of \$12,444.78 is approved; and
2. Steven B. Nosek is permitted to apply the pre-petition retainer received in the amount of \$2,960.75 against the allowed fees in the amount of \$12,33.00 and costs in the amount of \$144.78 for a total amount of \$12,444.78 and, the balance due in the amount of \$9,484.03 is allowed as an administrative expense.

Dated:

Michael E. Ridgway
United States Bankruptcy Judge